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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,117	08/21/2003	Michelle M. Moser	290198-00001	6671

7590

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EXAMINER

SPISICH, MARK

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,117

Applicant(s)

MOSER, MICHELLE M.

Examiner

Mark Spisich

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1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: #22 (eg, page 5, line 4) and #25 (eg, page 5, line 7). NOTE: should #28 in fig 2 instead be #25?. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Comment Re Claim 20

It is noted that -- inches -- should be inserted after "4.5" (claim 20, line 2).

Claim Rejections - 35 USC § 112

2. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "Mounting device" (claim 29, line 1) lacks antecedent. Claim 29 should be amended to depend from claim 27 (instead of claim 26). Applicant should review the claims for any additional informalities.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,14-17 and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Geerin (USP 2,655,680). The patent to Geerin discloses a mop head (3) for use with a frame (2) coupled to a handle (15) and which mop head (3) is adapted to substantially enclose the frame and further including a plurality of rectangular extensions (5) on a lower side thereof. See also column 2, lines 24-44.

5. Claims 1,11 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Marquart et al (USP 4,441,228). The patent to Marquart discloses a mop head comprising an envelope assembly (14) which encloses a frame (14) with attached handle (13) and further including a plurality of rectangular extensions (20) on a lower side thereof.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marquart et al (USP 4,441,228). The patent to Marquart discloses the invention

substantially as claimed (see paragraph #5) with the exception of specifying specific shape or size of the extensions (claims 2-4), although the individual loops (20) of Marquart appear to be "in the ballpark" of that claimed and than at deviations from the from art would amount to obvious design choices to one of ordinary skill in the art. The extensions (20) are of the same size (claim 5) and are further disposed in a plurality of rows (see figs 1-3) (claim 6). The aligning or staggering (claims 7-8) of the rows would be an obvious design choice to one having ordinary skill in the art. The looped members are formed by folding a sheet in the general shape of a "V" and then secured the vertex to the envelope and further including inner and outer sets disposed along a common line (claims 9-10).

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marquart et al (USP 4,441,228) as applied to claim 11 above, and further in view of DE 29610587 ('587). The patent to Marquart discloses the invention substantially as claimed (including a "mounting device" 19) with the exception of the particular mounting device. '587 discloses hook and loop strips (15,16) for securing a mop head to a frame. It would have been obvious to one of ordinary skill to have modified the head of Marquart as such as it is merely an art-recognized equivalent means for securing a mop head to a frame.

9. Claims 12,17-28 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marquart et al (USP 4,441,228) in view of Rubin (USP 2,301,586). The patent to Marquart discloses the invention substantially as claimed with the exception of the mounting device being in the form of elastic bands. The patent to

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Rubin discloses elastic bands (16) for securing a mop head to a frame (11). It would have been obvious to one of ordinary skill to have modified the head of Marquart as such since it is merely an art-recognized equivalent means for securing a mop head to a frame. With regard to claim 17, the only feature not disclosed by Marquart is a rectangular/planar frame. The use of such a frame is well known in the art (also see 11 in Rubin) and would be an obvious design choice to one having ordinary skill in the art. Claims 18-28 and 30-32 parallel claims which have been addressed above and need not be repeated.

10. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marquart et al (USP 4,441,228) and Rubin (USP 2,301,586) as applied to claim 27 above, and further in view of DE 29610587. Refer to paragraph #8 above.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of the cited patents are pertinent to cleaning members including some type of extensions/flaps.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich
Primary Examiner
Art Unit 1744

MS
